

REMARKS

The dependencies of claims 3, 4, 6, 7, 8, 13, 15, 16 and 18 are amended to eliminate multiply dependent claims and make these claims depend from the elected group of claims. Applicant submits that no new matter has been added to the specification or claims.

Restriction Requirement

In the Restriction Requirement mailed August 30, 2006, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1, 11, 13, 14, 18 and 20, drawn to a method of analyzing the interaction between molecules, classified in class 702, subclass 19.
- II. Claims 22 *[sic]*, 12, 13, 14, 18 and 20, drawn to a method of identifying a molecular species, classified in class 702, subclass 22.
- III. Claims 21-23, drawn to a substrate, classified in class 422, subclass 129.

Applicant provisionally elects, with traverse, Group II (claims 22, 12, 13, 14, 18 and 20).

Applicant notes that claim 22 has been assigned to two separate groups (Groups II and III). Because the Restriction Requirement recites that Group II is drawn to a method of identifying a molecular species, claim 22 does not recite such a method whereas claim 2 does recite such a method. Applicant assumes that the Examiner meant to recite claim 2 (rather than claim 22) under Group II. Clarification and/or confirmation of this ambiguity is requested.

The Examiner has objected to claims 3-10, 15-17 and 19 as drawn to multiply dependent claims and stated that these claims have not been treated on the merits.

Applicant submits that the multiple dependencies have been eliminated by the foregoing amendments, that claims 3-10, 15-17 and 19 now depend ultimately from claim 2 and

that these are part of the elected invention (Group II). Therefore, Applicant believes that Group II includes claims 2-10 and 12-20. Confirmation and/or clarification is respectfully requested.

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases (M.P.E.P. § 803). If the search and examination of an entire application can be made without serious burden, the Examiner must examine the application on the merits, even though it includes claims to distinct or independent inventions. M.P.E.P. § 803. Here, at least Groups I and II are both drawn to methods classified in class 702. Applicant submits that a search of all three groups, and particularly at least Groups I and II, would not be so burdensome that the Examiner could not easily search them together.

If the Examiner does not withdraw or modify the Requirement for Restriction, Applicant respectfully requests that the Examiner consider the unelected claims after allowance of a generic claim relating to the elected claims. Applicant further reserves the right to reintroduce the unelected claims in one or more divisional applications at a later date.

PRELIMINARY AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

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Serial No.: 10/797,900

Docket: 1133.022US1

Filed: March 10, 2004

Title: METHOD AND DEVICE FOR IDENTIFYING MOLECULAR SPECIES

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (516) 795-6820 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

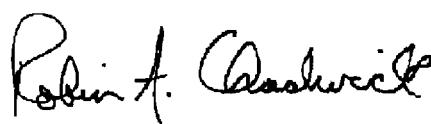
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Date October 2, 2006

By /



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This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CANDIS BUENDING

Name

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